REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 19, 2007. Claims 1-36 were pending in the Application. In the Office Action, Claims 1-36 were rejected. Claims 1-36 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

CLAIM OBJECTIONS

The Examiner objected to Claim 10. Specifically, the Examiner objected to Claim 10 because of a typographical error in Claim 10. Applicant has amended Claim 10 to correct the typographical error. Applicant respectfully submits that the amendment to Claim 10 was not based on a cited or applied reference and, therefore, does not narrow or otherwise change the scope of Claim 10. Applicant respectfully requests that the objection to Claim 10 be withdrawn.

SECTION 102 REJECTIONS

Claims 1-3, 5, 10, 13-15, 17, 19-21, 28-30 and 33-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0066082 issued to Kliger et al. (hereinafter "*Kliger*"). Applicant respectfully traverses this rejection.

As an initial matter, the Examiner rejected Claim 28 under 35 U.S.C. § 102(e) over *Kliger*. Claim 28 depends from independent Claim 22 which was not rejected by the Examiner under 35 U.S.C. § 102(e) over *Kliger*. Therefore, Applicant presumes that the Examiner inadvertently included Claim 28 in the listing of claims rejected under 35 U.S.C. § 102(e) in view of *Kliger* and that the listing of claims rejected under 35 U.S.C. § 102(e) in view of *Kliger* was intended by the Examiner to be 1-3, 5, 10, 13-15, 17, 19-21, 29-30 and 33-35. Applicant responds accordingly.

Of the rejected claims, Claims 1, 10, 15 and 29 are independent. Applicant respectfully submits that *Kliger* does not disclose each and every limitation of independent Claims 1, 10, 15 and 29. For example, independent Claim 1 recites "a data manager executable by the processor . . . [and] adapted to monitor presentation of A/V program data requested by a user via a presentation device" and "automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system in response to presentation of the monitored A/V program data to the user" (emphasis

added). In the Office Action, the Examiner refers to reference numeral 114 of *Kliger* as corresponding to the "data manager" recited by Claim 1 (Office Action, page 2). *Kliger* appears to disclose a home-network module (HNM) 28 that may be located in any of various rooms of a home and that acts as an interface between devices in a room (e.g., home entertainment devices and computer devices) and a demarcation point unit (DPU) 14 where the DPU 14 acts as an interface between a home network and an external network such as a cable television network (*Kliger*, paragraph [0041]). *Kliger* also appears to disclose that reference numeral 114 refers to a modem of the HNM 28 (*Kliger*, paragraph [0077]). Applicant respectfully submits that the modem 114 of the HNM 28 of *Kliger* does not "monitor presentation of A/V program data requested by a user via a presentation device" nor "automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system in response to presentation of the monitored A/V program data to the user" as recited by Claim 1 (emphasis added). Therefore, for at least this reason, *Kliger* does not anticipate Claim 1.

Claim 10 recites "means for monitoring presentation of requested A/V program data to a user via a presentation device" and "means for automatically retrieving A/V program data related to the monitored A/V program data from an archival storage system in response to presentation of the monitored A/V program data" (emphasis added). In the Office Action, the Examiner appears to assert that a master HNM 28 of *Kliger* meets the limitations of Claim 10 (Office Action, page 3). Specifically, the Examiner refers to paragraph [0107] of *Kliger* as disclosing the limitations of Claim 10 (Office Action, page 3). Applicant respectfully disagrees. *Kliger* appears to disclose that with a number of HNM 28 devices in a home, one of the HNM 28 devices is designated as a master HNM 28 (*Kliger*, paragraph [0107]). *Kliger* recites that the functionality of the master HNM 28 includes:

> 1) assigning addresses to each of the HNMs 28 and devices in the home network; 2) synchronizing the HNMs 28; 3) managing isochronous and asynchronous transmissions over the backbone 20 to avoid collisions between transmitting HNMs 28; 4) allocating bandwidth to the HNMs 28; and 5) registering new HNMs 28.

(*Kliger*, paragraph [0107]). Applicant respectfully submits that the HNM 28 of *Kliger*, regardless of whether the HNM 28 is designated as a "master" HNM 28, does not appear to "monitor[] presentation of requested A/V program data to a user via a presentation device" nor "automatically retriev[e] A/V program data related to the monitored A/V program data from an archival storage system in response to

<u>presentation</u> of the monitored A/V program data" as recited by Claim 10 (emphasis added). Therefore, for at least these reasons, Applicant respectfully submits that *Kliger* does not anticipate Claim 10.

Claim 15 recites "<u>monitoring presentation</u> of requested A/V program data <u>via a presentation device</u>" and "<u>automatically retrieving</u> A/V program data <u>related to the monitored A/V program data</u> from an archival storage system <u>in response to presentation</u> of the monitored A/V program data" (emphasis added). In the Office Action, the Examiner relies on the rationale used by the Examiner to reject Claim 10 to support the rejection of Claim 15 (Office Action, pages 4 and 5). Accordingly, at least for the reasons discussed above in connection with independent Claim 10, Applicant respectfully submits that *Kliger* also doers not anticipate Claim 15.

Claim 29 recites "a sink component adapted to present A/V program data to a user via a presentation device" and "a <u>source component</u> adapted to <u>monitor presentation</u> of the A/V program data <u>via the presentation device</u> by the sink component, the source component adapted to <u>automatically retrieve</u> A/V program data <u>related to the presented A/V program data</u> from an archival storage system <u>in response to presentation</u> of the presented A/V program data" (emphasis added). In the Office Action, the Examiner appears to rely on the HNM 28 of *Kliger* as corresponding to the "source component" recited by Claim 29 (Office Action, page 3). *Kliger* appears to disclose that the HNM 28 of *Kliger* functions as a bridge between a coax backbone 20 of the home network and each local bus 35 in a given room (*Kliger*, paragraphs [0044], [0046] and [0073]). *Kliger* also appears to disclose that the HNM 28 of *Kliger* communicates with the DPU 14 and each other HNM 28 on the backbone 20 with analog signals and converts analog signals received from the DPU 14 and the HNMs 28 into digital signals for delivery to devices 33 connected to that HNM 28 (*Kliger*, paragraph [0048]). Thus, as discussed above at least in connection with independent Claims 1, 10 and 15, the HNM 28 of *Kliger* does not appear to "<u>monitor presentation</u> of the A/V program data <u>via the presentation device</u> by the sink component" nor "<u>automatically retrieve</u> A/V program data <u>related to the presented A/V program data</u> from an archival storage system <u>in response to presentation</u> of the presented A/V program data" as recited by Claim 29 (emphasis added). Accordingly, for at least these reasons, Applicant respectfully submits that *Kliger* does not anticipate Claim 29.

Claims 2-3, 5, 13, 14, 17, 19-21, 30 and 33-35 that depend respectively from independent Claims 1, 10, 15 and 29 are also not anticipated by *Kliger* at least because they incorporate the limitations of respective Claims 1, 10, 15 and 29 and also add additional limitations that further distinguish *Kliger*.

Therefore, Applicant respectfully requests that the rejection of Claims 1-3, 5, 10, 13-15, 17, 19-21, 29-30 and 33-35 be withdrawn.

SECTION 103 REJECTIONS

Claims 4, 9, 12, 18, 22-24, 26-27 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kliger* in view of U.S. Patent Publication No. 2005/0273819 issued to Knudson et al. (hereinafter "*Knudson*"). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kliger* in view of U.S. Patent No. 7,171,677 issued to Ochiai (hereinafter "*Ochiai*"). Claims 6, 8, 11, 16, 32 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kliger* in view of U.S. Patent Publication No. 2002/0056098 issued to White (hereinafter "*White*"). Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kliger* in view of *Kudson* and further in view of *White*. Applicant respectfully traverses these rejections.

Initially, Applicant notes that the Examiner appears to have inadvertently misidentified the applied references by incorrectly associating particular reference numbers with various named references. For example, regarding Claims 4, 9, 12, 18, 22-24, 26-27 and 31, the Examiner refers to *Kliger* but identifies *Kliger* as U.S. Patent Publication No. 2005/0273819 (which corresponds to *Knudson*), and then identifies *Knudson* as U.S. Patent Publication No. 2006/0140584 (which corresponds to Ellis et al., which the Examiner identified on page 10 of the Office Action as not being relied upon). Thus, Applicant has indicated above what Applicant presumes to be the Examiner's intended recitation of references for the above-noted claim rejections.

Claims 4, 6-9, 11, 12, 16, 18, 31, 32 and 36 depend respectively from independent Claims 1, 10, 15 and 29. As indicated above, Claims 1, 10, 15 and 29 are in condition for allowance. Therefore, for at least this reason, Claims 4, 6-9, 11, 12, 16, 18, 31, 32 and 36 that depend respectively therefrom are also allowable. Moreover, *Knudson*, *Ochiai*, and *White* do not appear to remedy at least the deficiencies of *Kliger* discussed above.

Of the remaining rejected claims, Claim 22 is independent. Independent Claim 22 recites "a data manager executable by the processor . . . [and] adapted to receive A/V program data for storage in memory, the data manager adapted to <u>determine whether A/V program data resides in memory related to the received A/V program data</u> and, <u>if</u> related data resides in memory, <u>automatically transfer either the received A/V program data or the related A/V program data to an archival storage system based on a</u>

broadcast sequence of the received A/V program data and the related A/V program data" (emphasis added). In the Office Action, the Examiner acknowledges that *Kliger* fails to disclose at least the above-referenced limitations of Claim 22 (Office Action, page 5). However, the Examiner asserts that *Knudson* teaches the above-referenced limitations of Claim 22 and that it would have been obvious to modify *Kliger* with the purported teachings of *Knudson* to arrive at Applicant's Claim 22 (Office Action, pages 5 and 6). Applicant respectfully disagrees.

Knudson appears to disclose a system or set-top box configured to display a user interface in the form of a displayed program record screen to enable a user to input a request to schedule recording of a particular program, a program series and/or particular episodes of a program series (*Knudson*, paragraphs [0084], [0085] and [0087]). *Knudson* also appears to disclose that such requests to record a program may be stored on the set-top box or, in a client-server architecture, performed by the server (*Knudson*, paragraph [0087]). *Knudson* further appears to disclose that the *Knudson* system can search an existing database for all programs and episodes matching criteria specified by a user, schedule a recording for each matching program or episode, and send recording control signals to a videocassette recorder to direct the videocassette recorder to initiate recording of the program or series episode at the proper recording time (*Knudson*, paragraph [0087]). *Knudson* also appears to disclose that the recording device may also be a hard disk (*Knudson*, paragraph [0046]]). In the Office Action, the Examiner appears to consider the hard disk of *Knudson* as corresponding to both the "memory" and the "archival storage system" recited by Claim 22 (Office Action, page 6), which is an improper claim construction. For example, the Examiner states in the Office Action that the device 24 of *Knudson* receives program data "for storage in memory (e.g. harddisk)" and that if "related data" resides in the memory, the device 24 of *Knudson* automatically transfers the received A/V program data or the related data "to an archival storage system (e.g. harddisk)" (Office Action, page 6). Thus, for at least this reason, the rejection of Claim 22 is improper and should be withdrawn.

Moreover, Claim 22 recites that the "data manager is adapted to receive A/V program data" and "determine whether A/V program data resides in memory related to the received A/V program data" and, if so, "automatically transfer either the received A/V program data or the related A/V program data to an archival storage system" (emphasis added). The *Knudson* system appears to be described as configurable in two different ways: 1) a client-server architecture where a server processes requests to schedule recording of a particular program; or 2) a local architecture where a set-top box processes requests to

schedule recording of a particular program (*Knudson*, paragraph [0087]). In the client-server architecture of *Knudson*, the server processes the request to record a particular program and then transmits control signals to a recording apparatus to direct the apparatus to record the program at the appropriate time (*Knudson*, paragraph [0087]). Thus, in the client-server architecture of *Knudson*, not only is there no "automatic transfer" of any data (the program is merely recorded at the appropriate time), once data is received and recorded by the recording apparatus of *Knudson*, data is not thereafter transferred "to an archival storage system" as recited by Claim 22. Additionally, in the local architecture setup of the *Knudson* system, there is no "automatic transfer" of any data (the program is merely recorded at the appropriate time), nor is iny data received and recorded by the set-top box thereafter transferred "to an archival storage system" as recited by Claim 22. Accordingly, even if *Kliger* and *Knudson* are combined as suggested by the Examiner, the resulting combination still fails to disclose, teach or suggest the limitations of Claim 22. Therefore, for at least these reasons, Claim 22 is allowable over the cited references.
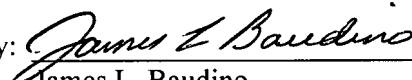
Claims 23-27 depend from independent Claim 22. As indicated above, Claim 22 is allowable over the cited references. Therefore, at least because Claims 23-27 depend from independent Claim 22, Claims 23-27 are also allowable. Moreover, with respect to Claim 25, *White* does not appear to remedy at least the deficiencies of *Kliger* and *Knudson* discussed above. Further, as indicated above, Claim 28 appears to have inadvertently rejected under 35 U.S.C. § 102. Nonetheless, even though Claim 28 was not explicitly recited by the Examiner as being rejected under 35 U.S.C. § 103, at least because Claim 28 depends from independent Claim 22, Claim 28 is also allowable.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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Date: July 19, 2007

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